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July 1, 2021

By ECF

Honorable Colleen McMahon
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007

Granted. Conference adjourned
to 9/23/2021 @ 11:00 a.m.

Colleen McMahon

Re: *A.S. and D.S.1, on behalf of themselves and their minor child, D.S. v. New York City Department of Education, New York City Board of Education, and Chancellor Richard Carranza in his Official Capacity, 21-CV-00867 (CM)(JLC)*

7/1/2021

Dear Judge McMahon:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, and assigned to represent defendants New York City Department of Education (DOE), New York City Board of Education, and former DOE Chancellor Richard Carranza (together, the "Defendants") in the above referenced action. I write to respectfully request an adjournment of the initial conference scheduled for July 8, 2021 at 11:45 a.m. (Dkt No. 19) and a corresponding adjournment of the parties' time to submit a case management plan. This is Defendants' second request for an adjournment of the conference. Plaintiffs' counsel, Erin O'Connor, consents to this request.

Defendants were served with the Complaint on February 5, 2021. Since then, the parties have resolved all implementation issues involving the student's educational program, including an issue that arose late last week wherein plaintiffs sought a specific placement for the student's next school – which starts today. Plaintiffs' counsel had represented that if the parties were unable to resolve this issue they would need to amend the Complaint and seek a temporary restraining order. Fortunately, the parties were able to resolve this issue in a timely manner. As a result, Defendants answered the Complaint on June 28, 2021.

Plaintiffs' only remaining claim is their request for attorney's fees in connection with the administrative and federal levels. I have requested Plaintiffs' counsel's timesheets but not yet received them. Plaintiffs' counsel has committed to communicating a demand and sending me the timesheets for the administrative level today, and to providing a demand and timesheets for the federal level by July 8, 2021. I will then need to analyze the timesheets in order to request authority to settle their claim for fees. I anticipate being able to make an initial settlement offer within 30 days from receipt of their federal level timesheets. As such, in order to minimize the accumulation of additional attorneys' fees, Defendant respectfully requests that the conference be adjourned until mid-August 2021 to allow me the opportunity to review Plaintiffs' counsel's timesheets once received, request settlement authority, and attempt to negotiate a settlement with Plaintiffs' counsel. If the parties are unable to resolve the matter then we would set a briefing schedule for Plaintiffs' motion for fees. As the only issue that remains in the case is fees, there is no need for discovery in this case.

Accordingly, Defendants respectfully request that the initial conference currently scheduled for July 8, 2021 be adjourned to mid-August or later.

Thank you for your consideration of this request.

Respectfully submitted,

s/
Carolyn Kruk
Assistant Corporation Counsel

cc. **by ECF**

Erin O'Connor
Plaintiffs' counsel